

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

NOTICE OF MOTION

NKANGA NKANGA,

18 Cr. 713 (JMF)

Defendant.
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PLEASE TAKE NOTICE, that upon the annexed declaration of **Daniel S. Parker, Esq.**, duly affirmed the 26th day of March, 2020, upon the annexed memorandum of law, supporting papers and all proceedings herein, defendant **Nkanga Nkanga** will move this Court on an expedited basis and on a date to be set by the Court, for the following relief:

- A. Release forthwith on bail pending execution of sentence pursuant to 18 U.S.C. § 3141(b), and to be given a date to self-surrender to a Bureau of Prison (“BOP”) facility, one designated, no later than June 26, 2020; or
- B. Pursuant to Federal Rule of Criminal Procedure 35(a), correcting Dr. Nkanga’s sentence based on clear error – namely that the Court was not aware of, and could not be aware of, at the time of sentencing – the threat of the COVID-19 virus and its life-threatening effect on Dr. Nkanga; or
- C. Pursuant to Federal Rule of Criminal Procedure 33(a) and (b)(2), vacating the Judgment in the interests of justice and granting a new trial – and release Dr. Nkanga forthwith on bail pending the new trial; or
- D. Such other and further relief as this Court deems just and proper.

Dated: March 26, 2020
New York, New York

Respectfully submitted,

By: /s/ Daniel S. Parker
Daniel S. Parker
Joshua Horowitz
Attorneys for Nkanga Nkanga